GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – PR&RD – Sri D. Sivanna, Deputy Executive Engineer, PR – Violation of APCS (Conduct) Rules, 1964 – Departmental Proceedings initiated under Rule 20 of A.P. Civil Services (CC&A) Rules, 1991 – Article of Charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.RT.No. 587 **Dated: 19.06.2015**

Read:

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ORDER:

It is proposed to hold an enquiry against Sri D.Sivanna, Deputy Executive Engineer (Panchayat Raj) and formerly Deputy Executive Engineer, RVM, Dhone Division, Kurnool, in accordance with the procedure laid down in Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A statement of the imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witness by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure – III & IV).

3. Sri D.Sivanna, Deputy Executive Engineer, (Panchayat Raj) and formerly Deputy Executive Engineer, Dhone division, RVM, Kurnool, is directed to submit his written statement of defence within ten (10) days for the date of receipt of this order.

4. Sri D.Sivanna, Deputy Executive Engineer, (Panchayat Raj) and formerly Deputy Executive Engineer, Dhone division, RVM, Kurnool, is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri D.Sivanna, Deputy Executive Engineer, (Panchayat Raj) and formerly Deputy Executive Engineer, Dhone division, RVM, Kurnool is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Conduct) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte, based on the material available on record.

6. Sri D.Sivanna, Deputy Executive Engineer, (Panchayat Raj) and formerly Deputy Executive Engineer, Dhone division, RVM, Kurnool is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings, it will be presumed that Sri Sri D.Sivanna, Deputy Executive Engineer, (Panchayat Raj) and formerly Dy.E.E., Dhone division, RVM, Kurnool District, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY
SECRETARY TO GOVERNMENT (P.R.&R.W.S.)

To
Sri D.Sivanna, , Deputy Executive Engineer, (Panchayat Raj) and formerly Deputy Executive Engineer, Dhone division, RVM, Kurnool through the Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Hyderabad.

Contd….

The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Hyderabad.(with a request to serve and return the acknowledged copy and Written Statement of Defense)

Copy to:

The Director General, Anti Corruption Bureau, Andhra Pradesh, Hyderabad.
The Secretary, Andhra Pradesh Vigilance Commission, Hyderabad.
The Panchayat Raj & Rural Development (Estt.I) Department, "J" Block, Andhra Pradesh, Secretariat, Hyderabad.
S.f./S.c.

//FORWARDED:BY:ORDER //

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI DOTHI SIVANNA DEPUTY EXECUTIVE ENGINEER (PANCHAYT RAJ) AND FORMERLY DEPUTY EXECUTIVE ENGINEER, RAJIV VIDYA MISSION (SSA), KURNOOL

Article of Charge:

That Sri D.Sivanna, S/o Triupalu joined in Government service as Technical Work Inspector Gr-I and later he was appointed as Assistant Engineer, Panchayat Raj Department, Yemmiganoor and worked at (Panchayat Raj) RSW Division, Adoni P.R Sub Division, Yemmiganoor. He was promoted as Deputy Executive Engineer, and posted in Rajiv Swagruha limited, Kurnool and worked from 11.01.2008 to 14.12.2010 and also worked as Deputy Executive Engineer in Rajiv Vidya Mission (SSA) Kurnool on deputation from 24.12.2010 to 31.12.2013. He was repatriated to parent Department i.e., Panchayat Raj Department w.e.f 1.1.2014. Later, he was posted on deputation to Andhra Pradesh Medical Service Infrastructure Development corporation, Kadapa and working there from 18.02.2014 to till date. On the date of trap i.e 16.11.2013, he was working as Deputy Executive Engineer in Rajiv Vidya Mission Kurnool. While working as Deputy Executive Engineer in Rajiv Vidya Mission (SSA) Kurnool, he has committed the following grave misconduct in as much as that:-

(a) he has issued passed orders without verifying the entries in the measurement books or without check measuring the works in connection with the construction of three additional class room and compound wall to Mandal Praja Parishad School, Krishnagiri Village for the year 2011-12.

(b) he demanded Sri V.P. Satyam, Contractor on phone that he did not receive his share of amount from Sri M. Madhusudhan Rao, Technical Supervisor (Outsourcing) and for directing Sri V.P. Satyam, Contractor to talk to Sri M. Madhusudhan Rao and get his share and give it to him and there by exhibited lack of integrity, devotion to duty and grossly violated the conduct rules.

Thus Sri D. Sivanna, Deputy Executive Engineer, by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government servant and there by contravened Rule 3(1) & (2) of APCS (Conduct) Rules, 1964.

Hence, the charge.

Dr. K.S. JAWAHAR REDDY
SECRETARY TO GOVERNMENT (P.R.&R.W.S.)

SECTION OFFICER.

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI DOTHI SIVANNA, DEPUTY EXECUTIVE ENGINEER, PANCHAYAT RAJ AND FORMERLY DEPUTY EXECUTIVE ENGINEER, RAJIV VIDYA MISSION (SSA), KURNOOL.

That Sri Dothi Sivanna, S/o Tirupalu is a native of Pattikonda, Kurnool Dist. He joined in to Government service as Technical Work Inspector Gr- I on 14.12.1990 in Panchayat Raj Department and was promoted as Assistant Engineer, in NAP Sub Division, P.R. Division, Yemmiganoor and worked as Assistant Engineer from 19.8.1992 to 06.4.1999 and posted as Asst. Executive Engineer at P.R. R.W.S. Division, Adoni from 7.4.1999 to 10.01.2008 and he was promoted as Dy. Executive Engineer and posted on deputation in Rajiv Swagruha Limited, Kurnool worked from 11.1.2008 to 14.12.2010 and worked on deputation as Dy. Executive Engineer in Rajiv Vidya Mission (SSA), Kurnool since 24.12.2010 to 31.12.2013. He was repatriated to parent Department., i.e., Panchayat Raj Department w.e.f. 1.1.2014. Later, he was posted on deputation to A.P. Medical Service Infrastructure Development Corporation, Kadapa and working there from 18.02.2014 to till date. On the trap i.e., 16.11.2013, he was working as Deputy Executive Engineer, Rajiv Vidya Mission, Kurnool. Sri D. Sivanna attains the age of superannuation on 31.4.2026. He is herein after referred as Government Servant.

That on a specific complaint from Sri V.P. Satyam, contractor resident of Ramakrishnapuram, Krishnagiri Mandal, Kurnool District a case in Cr.No.14/RCT-KUR/2013 was registered against Sri M.Madhusudhan Rao, Technical Supervisor (Outsourcing) on the allegation of demand of illegal gratification and Sri M.Madhusudhan Rao was trapped on 16.11.2013 when he demanded and accepted the illegal gratification other legal remuneration from Sri V.P. Satyam in connecting with the recording of the work in M-Book pertaining to the construction of three additional class rooms of MPP School, Krishnagiri and to prepare the payment order and also to get the pass orders issued by the Government servant.

That during the course of investigation in the crime mentioned supra disclosed that three additional class rooms and a compound wall was sanctioned to Mandal Praja Parishad School, Krishnagiri Village for the year 2011-12 and the School Management Committee on the advise of RVM Engineers engaged Sri P.Satyam of Ramakrishnapuram (Village) as the contractor for the construction of work of the additional class rooms and compound wall and that the contractor Sri V.P.Satyam completed the work of additional class rooms for which spell wise bill amount is being paid to the contractor Sri V.P.Satyam, who received Rs.9.50 prior to 16.11.2013 in five spells towards the said work and that the Technical Supervisors or the Field Officers who has to visit the work site physically at every stage and have to record the measurements in the M-Book and they have to prepare the payment bill statements at every stage of work and then alone the concerned Deputy Executive Engineers has to check measure the works and issue pass orders for payment and that said procedure has not been followed by Sri M.Madhusudhan Rao, Technical Supervisor (Outsourcing) nor the Government Servant and that non recording the measurements in the relevant measurement books and not preparing the bill payment statements by the Technical Supervisor and the Government Servant non maintaining the records of copies of agreements entered with the School Management Committee is irregular and that the Government Servant have committed grave mistake as they did not record any measurements in the relevant measurement books and also did not maintain the record of copies of agreements entered with the School Management Committee.

That for the above said work measurement books bearing No.1012 & 1017 were issued to Sri M.Madhusudhan Rao, Technical Supervisor on 22.11. 2011 which was signed by the Executive Engineer, RVM (SSA), Kurnool. In these two measurement books no descriptive entries or measurements with regard to any work are found in the entire book, which was seized during the post trap proceedings-1. As per the Release and expenditure book 2011-12 discloses about the entries relating to the three additional class rooms found at page Nos. 28 & 29 of the register and as per the entries made by the Government Servant the total estimate cost of the three class rooms is Rs.15.90 Lakhs @ 5.30 lakhs for each class room and the total amount released in the said connection is Rs.9.50 lakhs in five spells as on 16.11.2013 and at column 11 of the page against 4th and 5th spells of release of amounts the letter F is found which disclosed that the work are at finishing stage and at column 16 initial of the D.S., which are the initials of the Govt. Servant are found against all the five spells of release which are the initial of the Govt. Servant.

That the above said aspect discloses that an amount of Rs.9.50 lakhs were given to the contractor without recording the measurements in the measurement books.

That the contractor Sri V.P.Satyam has stated in the complaint to the Deputy Superintendent of Police, Anti Corruption Bureau, Kurnool on 15.11.2013 that the Government Servant demanded Sri V.P. Satyam, contractor on phone that he did not received his share of amount from Sri M.Madhusudhan Rao, Technical Supervison (Outsourcing) and directed Sri V.P. Satyam, Contractor to talk to Sri M.Madhusudhan Rao and get his share and give it to him.

That by the above mentioned acts the Government servant has exhibited lack of integrity, devotion to duty and grossly violated the conduct rules.

Thus Sri D.Sivanna, Deputy Executive Engineer by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government servant and there by contravened Rule 3(1) & (2) of A.P.C.S (Conduct) Rules, 1964.

Hence, the Government servant is liable for major punishment.

Dr. K.S. JAWAHAR REDDY
SECRETARY TO GOVERNMENT (P.R.&R.W.S.)

SECTION OFFICER.

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI DOTHI SIVANNA, DEPUTY EXECUTIVE ENGINEER, PANCHAYAT RAJ AND FORMERLY DEPUTY EXECUTIVE ENGINEER, RAJIV VIDYA MISSION (SSA), KURNOOL ARE PROPOSED TO BE SUSTAINED

1. Post-trap proceedings-1: dated. 16.11.2013, drafted in the house of Sri M.Madhusudan Rao, Technical Supervisor, which reveals the lapses committed by Sri D.Sivanna, RVM, Kurnool.

2. Post-trap Proceedings-2: dated.16.11.2013, drafted in the Office of Executive Engineer, Rajiv Vidya Mission (SSA) Kurnool District situated in collectorate complex, Kurnool Town, which reveals the lapses committed by Sri D.Sivanna, RVM, Kurnool.

3. Complaint copy of the Complainant Sri V.P. Satyam, which reveals about intimating to Dy. E.E., Sri D.Sivanna, about the demand and acceptance of bribe by Sri M.Madhusudan Rao, Technical Supervisor (AO) and about the Dy. E.E. Sri D.Sivanna's demand for his share of amount for the sanctioned works.

4. Statement of the Sri Kesavarapu Venkateswara Kanaka Durga Vara Prasad, age 51 years, S/o.K.S.R.Murthy, E.E., RVM, Kurnool, R/o. D.No.44-86-A-302, SLN Mansion, Prakash Nagar, Kurnool.

5. Reply Letter in Rc.No.2126/RVM/SSA/2013 Dt.27.12.2013 of Smt. M.S.Padma Kumari, M.A., M.E.D., Project Officer, RVM (SSA), (Regarding job chart and service Particulars of Dy. E.E., D.Sivanna).

6. Copies of Measurement Books, and civil works payment order and Pass order books seized during the Post–trap proceedings-1.

Dr. K.S. JAWAHAR REDDY
SECRETARY TO GOVERNMENT (P.R.&R.W.S.)

SECTION OFFICER.

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI DOTHI SIVANNA, DEPUTY EXECUTIVE ENGINEER, PANCHAYAT RAJ AND FORMERLY DEPUTY EXECUTIVE ENGINEER, RAJIV VIDYA MISSION (SSA), KURNOOL ARE PROPOSED TO BE SUSTAINED

1) Sri Yerram Setty Srinivasa Reddy, Age 54 years, S/o. Y.Narayan Reddy, Assistant. Hydrologist, Office of Deputy Director, Ground Water Department, Kurnool District, Kurnool R/o. H.No.78-8A-5-1, New Krishna Nagar, Kurnool Town (He is one of the mediators and he speaks about Document No. 1 & 2 mentioned in Annexure – IV, regarding drafting of post trap proceedings dt.16.11.2013 in which lapses committed by Sri D.Sivanna, Deputy Executive Engineer, RVM, Kurnool are recorded and etc facts.)

2) Sri ltha Gopi Krishna, Age 39 years, S/o.Late l. Rosaiah Setty, Junior Assistant, O/o Deputy Director, Ground Water Department, Kurnool District R/o. H.No.87-215-2A, Sreelakshmi Nagar, Near Vijaya Durga Degree College, Kurnool town (He is another mediator and he speaks about document No.1 & 2 mentioned in Annexure –IV, regarding drafting of post trap proceedings dt.16.11.2013 in which lapses committed by Sri D.Sivanna, Deputy Executive Engineer, Kurnool are recorded and etc facts.)

3) Sri Vadde Putluru Satyam, 38 years, S/o Vadde Ramudu, Rama Krishna puram Village, Krishnagiri Mandal, Kurnool District (He speaks about giving complaint (document No.3 mentioned in Annexure – IV) and intimating to Deputy Executive Engineer, Sri D. Sivanna, about the demand and acceptance of bribe by Sri M.Madhusudan Rao, Technical Supervisor (AO) and about the Dy. E.E., Sri D.Sivanna's demand for his share of amount for the sanctioned works).

4) Sri Kesavarapu Venkateswara Kanaka Durga Vara Prasad, Age 51Years, S/o.K.S.R.Murthy, E.E., RVM., Kurnool, resident of D.No. 44-86-A-302, SLN Mansion, Prakash Nagar, Kurnool: (He speaks about the procedure of issuing pass orders by the Dy.EE.)

5) Smt. M.S. Padma Kumari, Project Officer, RVM(SSA), Kurnool, of (She speaks about document No.5 mentioned in Annexure-IV i.e., reply letter in Rc.No.2126/RVM/SSA/2013, Dt.27.12.2013, regarding furnishing of Job chart and Service Particulars of Sri D. Sivanna, Dy. E.E.)

6) Sri M.Mahaboob Basha, Deputy Superintendent of Police, Anti-Corruption Bureau, Kurnool Range, Kurnool (speaks about trap and Seizure of Copies of Measurement books, and civil works payment Order and pass order books during the Post-trap proceedings-I).

7) Sri M.V. Krishna Reddy, Inspector of Police, Anti-Corruption Bureau, Kurnool Range, Kurnool (Speaks about investigation).

Dr. K.S. JAWAHAR REDDY
SECRETARY TO GOVERNMENT (P.R.&R.W.S.)

SECTION OFFICER.